

BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of

Case No. MD-08-0176

EARL SURWIT, M.D.**INTERIM CONSENT AGREEMENT
FOR PRACTICE LIMITATION**Holder of License No. 11111
For the Practice of Allopathic Medicine
In the State of Arizona.**NON-DISCIPLINARY****INTERIM CONSENT AGREEMENT**

By mutual agreement and understanding, between the Arizona Medical Board ("Board") and Earl Surwit, M.D. ("Physician") the parties agree to the following disposition of this matter.

1. Physician has read and understands this Interim Consent Agreement and the stipulated Findings of Fact, Conclusions of Law and Order ("Consent Agreement"). Physician acknowledges that he understands he has the right to consult with legal counsel regarding this matter.

2. By entering into this Interim Consent Agreement, Physician voluntarily relinquishes any rights to a hearing or judicial review in state or federal court on the matters alleged, or to challenge this Interim Consent Agreement in its entirety as issued by the Board, and waives any other cause of action related thereto or arising from said Interim Consent Agreement.

3. This Interim Consent Agreement will not become effective until signed by the Executive Director.

4. All admissions made by Physician are solely for disposition of this matter and any subsequent related administrative proceedings or civil litigation involving the Board and Physician. Therefore, said admissions by Physician are not intended or made for any other use, such as in the context of another state or federal government regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or any other state or federal court.

1 5. Upon signing this Interim Consent Agreement and returning it (or a copy thereof) to
2 the Board, Physician may not revoke acceptance of the Interim Consent Agreement. Physician
3 may not make any modifications to the Interim Consent Agreement. Any modifications to this
4 Interim Consent Agreement are ineffective and void unless mutually approved by the parties.

5 6. This Interim Consent Agreement, once approved and signed, is a public record that
6 may be publicly disseminated as a formal **non-disciplinary action** of the Board and will be
7 reported to the National Practitioner's Data Bank and posted on the Arizona Medical Board web
8 site as a voluntary **non-disciplinary action**.

9 7. If any part of the Interim Consent Agreement is later declared void or otherwise
10 unenforceable, the remainder of the Interim Consent Agreement in its entirety shall remain in force
11 and effect.

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15 EARL SURWIT, M.D.

Dated: 3/20/08

FINDINGS OF FACT

1. The Board is the duly constituted authority for the regulation and control of the practice of allopathic medicine in the State of Arizona.

2. Physician is the holder of License No. 11111 for the practice of allopathic medicine in the State of Arizona.

3. Physician has recognized that he has a medical condition that may limit his ability to safely engage in the practice of medicine.

4. Because Physician has recognized that his medical condition may limit his ability to safely engage in the practice of medicine, the Board may enter into an Interim Consent Agreement to limit Physician's practice. A.R.S. § 32-1451(F); A.A.C. R4-16-509. Physician and the Board entered into this Interim Consent Agreement to resolve this matter with a final Board action.

5. There has been no finding of unprofessional conduct against Physician.

CONCLUSIONS OF LAW

1. The Board possesses jurisdiction over the subject matter hereof and over Physician.

2. The Executive Director may enter into an Interim Consent Agreement with a physician to limit or restrict the physician's practice or to rehabilitate the physician, protect the public and ensure the physician's ability to safely engage in the practice of medicine. A.R.S. § 32-1451(F); A.A.C. R4-16-509.4

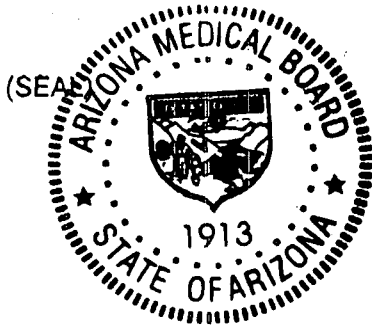
ORDER**IT IS HEREBY ORDERED THAT:**

1. Physician's practice is limited in that he shall not practice clinical medicine or any medicine involving direct patient care and is prohibited from prescribing any form of treatment including prescription medications until applying for and receiving Board approval. The Board may require any combination of Staff approved assessments, evaluations, treatments, examinations or

1 interview it finds necessary to assist it in determining Physician's ability to safely return to the
2 active practice of medicine.

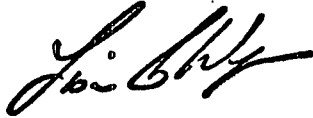
3 2. The Board retains Jurisdiction and may initiate an action based on any violation of
4 this Interim Consent Agreement.

5 DATED and effective this 20th day of March, 2008.



ARIZONA MEDICAL BOARD

By


LISA S. WYNN
Executive Director

12 ORIGINAL of the foregoing filed this
20th day of March, 2008 with:

13 The Arizona Medical Board
14 9545 East Doubletree Ranch Road
15 Scottsdale, AZ 85258

16 EXECUTED COPY of the foregoing
17 mailed this 20th day of March, 2008 to:

18 Earl Surwit, M.D.
19 Address of Record

